

(2)

I Peter Christian Roper

2 ~~1995 TX ET FLOOS~~3 ~~7000 N. CA 90028~~4 909 ~~522-2648~~5 Attorney for ~~APPELLANT~~B86-21 ~~SEP 11 2006~~ AM 11:19

Douglas

U.S. BANKRUPTCY COURT
DISTRICT OF DELAWARE

A285607

6

7 UNITED STATES BANKRUPTCY COURT APPALACHIAN DIVISION
8 FOR THE DISTRICT OF DELAWARE
9 *APPEAL*

10 Peter Christian Roper) Case No. 04-I0324 (DDS)04-I0327

11 1286-2751) 04-I0325, 04-I0323, 04-I0326

12 *Douglas*) Motion for Order in Section 546(c)13 *AR/20485607* of the Bankruptcy Code for Priority

14 V) Claim or Lien in section 503(b)

15 Garden Ridge Corp., Garden Ridge) *To GRAFT Payment*
16 Investments, Garden Ridge Management) *FOR CLAIMS*

17 Garden Ridge Finance Corp., Garden Ridge)

18 Garden Holdings INC) *Surge & Risk Demanded*

19 1941 Atrium Place, Ste.170)

20 Houston, Texas 77081

21 (1) The ~~APPELLANT~~, Peter Christian Roper, a hearty, Patriotic,
22 U.S. Citizen, Complete Owner of U.S. Patent 4,713,909 'Indoor
23 AND OUTDOOR CLOTH FARM' IN Exhibit I, Page and 5 U.S. VALID
24 Copyrights, and Copyright TXU-69-514 'United Space of America'
25 in Exhibit 2, Page files this Motion seeking an order persuant
26 to section 546 (c) of the Bankruptcy Code granting Priority
27 Claim or Lien in section 503 (b) of the Bankruptcy Code for
28 Payment of Patent and Copyright Royalties to *Peter C Roper*.

(2)

(5)

1 Peter Christian Roper, caused by The Defendants, Garden
 2 Ridge Corp., Garden Ridge Investments Inc., Garden Ridge
 3 Management Inc., Garden Ridge Finance Corp., Garden Ridge
 4 L.P., and Garden Ridge Holdings infringement of the Plaintiff,
 5 Peter Christian Roper 's U.S. Patent 4,713,909 and Copyright
 1980 1983
 6 TXU 69-514 , Txu 141-593 by making, selling Floral Foam
 7 Sponge Flower Pots and in combination with Cloth Silk
 8 Flower Products protected in Fig. 9 of The Plaintiff's
 9 U.S Patent 4,713,909 and in Claims I,23,4 in Exhibit I,
 10 Page , and Fig. 9 in Copyright TXU 69-514 in Exhibit 2,
 11 Page in Millions of Units to Gross Sales of around
 12 \$30 Billion from 1979- 2005 for 25 years during the life
 13 of The Plaintiff's U.S. Patent 4,713,909, and 5 Copyrights
 14 that are still alive and actively in force from 1979 to
 15 2080 or beyond .

16 (6) The Plaintiff, Peter Christian Roper, filed an
 17 action in United States District Court, Central District of
 18 California (CV 04-01571(w)) in Jan 7, 2005 against Garden
 19 Ridge Corp., and its subsidiaries for Payment of Unpaid
 20 Patent and Copyright Royalties and Compensation owed to
 21 Peter Christian Roper, evidenced in Exhibit / , Page for
 22 nearly \$4 Billion Dollars. The Plaintiff, Peter Christian
 23 Roper is sympathetic to Garden Ridge Reorganization Plan
 24 and is prepared to accept a lesser amount off \$ 36 Million
 25 Dollars or the maximum amount allowed within the reor-
 26 ganization Plan paid now and the balance of the \$ 6 Million
 27 paid in monthly payments over 2 years if Plaintiff's Motion
 28 for Priority Claim is granted or unopposed.

D.D.

(5) Peter Christian Charles Roper 9/7/06
M. 3/15/06

Peter Christian Charles Roper 9/7/06

EXHIBIT 10
United States Patent [19]

Roper et al. (26)

[11] Patent Number: 4,713,909
 [45] Date of Patent: Dec. 22, 1987

[54] INDOOR AND OUTDOOR CLOTH FARM

[76] Inventors: Peter Roper, 957 E. 224th St., Bronx, N.Y. 10466; George Spector, 233 Broadway, 3615 Woolworth Bldg., New York, N.Y. 10007

[21] Appl. No.: 363,292

[22] Filed: Mar. 29, 1982

Related U.S. Application Data

[63] Continuation of Ser. No. 903,475, May 12, 1978, abandoned.

[51] Int. Cl. A01G 9/02
 [52] U.S. Cl. 47/17; 47/66
 [58] Field of Search 47/59-61, 47/65, 39, 67, 78, 17, 76

[56]

References Cited

U.S. PATENT DOCUMENTS

2,669,065 2/1954 Clegg 47/76

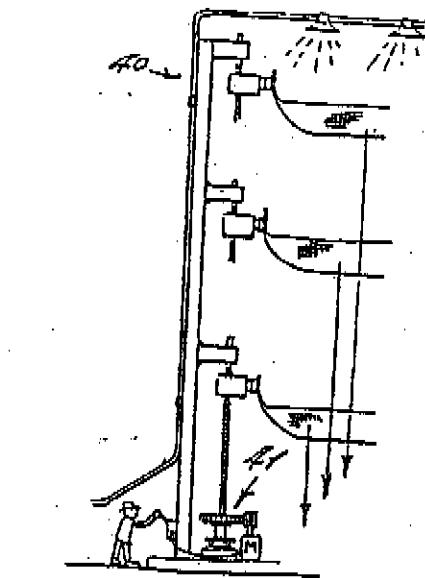
Primary Examiner—Robert E. Bagwill
 Attorney, Agent, or Firm—Peter Roper; George Spector

[57]

ABSTRACT

A farm structure for growing plants or crop in a small area or increasing an area for farming, composed of several tiers of cloth, one above another, each cloth supporting a quantity of earth in which plants are growing; water used in watering plants on the uppermost tier, dripping downward successively through at the tiers, so to water the plants in each tier; extra layers of cloth snapped under any tier for greater water retention; flood lights under each tier, giving light to plants in a tier therebelow and warming a soil thereabove, and an elevator mechanism for lowering the tiers of a large outdoor model, so that harvesting can be done more efficiently at a ground level.

4 Claims, 9 Drawing Figures



(26)

EXHIBIT 10 (38)

EXHIBIT 10

1

4,713,909 (38)

2

INDOOR AND OUTDOOR CLOTH FARM.

This is a continuation of application Ser. No. 905,475, filed May 12, 1978, now abandoned.

This invention relates generally to miniature farms.

A principal object of the present invention is to provide a miniature farm in which plants are grown in tiers one above another, so to require less ground area.

Another object is to provide a miniature farm in which each tier includes a horizontal cloth holding a quantity of earth in which the plants grow, and irrigation water provided to the plants in the uppermost tier, dripping therethrough and through successive tiers therebelow, so to water all the plants in each tier with a single watering at the top.

Another object is to provide a cloth farm which may be made on either a small or large scale for indoor or outdoor installation.

Still another object is to provide a cloth farm wherein extra cloths strapped under a tier gives greater water retention in the tier, as needed by plants.

Still another object is to provide a cloth farm in which flood lights under a tier for plants therebelow also serve to give moist heat to roots of plants thereabove.

FIG. 1 is a perspective view of a small indoor model of the invention.

FIG. 2 is a perspective view of one of the cloth platforms shown above.

FIG. 3 is an enlarged detail thereof so to illustrate the snap fasteners that support it.

FIG. 4 shows another design of cloth platform support consisting of eyelets on the cloth and hooks on the frame.

FIG. 5 is a side view, partly in cross section, of a large commercial out-of-door model.

FIG. 6 is a detail of another out-of-door model in which the platforms can be lowered for purpose of seeding, hoeing or harvesting more conveniently and safely at ground level.

FIG. 7 is a cross section of another design of cloth platform, in which electric lights underneath serve to provide light for plants in a next lower cloth platform, the light also serving to heat and humidify water in the soil thereabove, so to create improved environment for the growing plants.

FIG. 8 shows the lamp of FIG. 7 above, and indicates a pan thereabove to catch some water which it heats and vaporizes.

FIG. 9 is a view of another design of the invention in which a cloth pot is held in an inner shell supported over an outer shell.

Referring now to the drawing in greater detail, and more particularly to FIGS. 1 through 4 thereof at this time, the reference numeral 10 represents a cloth farm according to the present invention, which is of indoor type. It includes a frame 11 that supports several tiers of cloth 12, one above the other, either by means of interconnecting snap fasteners 13 on the frame and cloth corners, or by means of pegs 14 on frame hooking into grommet openings 15 along the cloth edges.

The cloth may be stitched so to form individual compartments 16 by means of cloth partitions 17 therebetween or simply by upward folds 18 supported over beams 19 of the frame. Soil 20 is placed on the supported cloth to a depth sufficient for growing the plants 21.

The model of cloth farm shown in FIG. 1 includes enclosing partitions 22 around sides thereof, which may comprise mirrors so to reflect the images of flowers growing therein for a more rich display. Outer sides of

partitions may be decorated with designs or paintings, as preferred.

Beneath a lowermost tier, a tank 23 serves to catch and hold the dripped water for re-use conservation. A spigot 24 is provided for draining water from the tank. The frame also encloses a bin 25 for extra soil and a bin 26 for tools, the bins being closable by hinged covers 27. The frame is supported upon wheels 28 so that the cloth farm can be moved between different areas of a house.

A nearby floor lamp 29 gives light to plants on the different tiers.

In FIG. 5 a cloth farm 30 is large so to be for outdoor use, and includes the above described cloths and frame for the soil and plants. In this design water to the uppermost tier is provided through watering system 31, in which a motor-driven pump 32 delivers water to sprinkler 33.

FIG. 3 also clearly shows that additional cloths 34 can be strapped to the underside of cloth 12 by means of snap fasteners 35 for increasing water retention in a tier.

In FIG. 6, an outdoor cloth farm 40 is the same as outdoor cloth farm 30 except that a mechanism 41 is included for each tier, so to lower the same to a ground level at time of harvesting so to be more convenient.

In FIGS. 7 and 8 illuminating lamps 42 secured to underside of a cloth, give light to plants in a tier therebelow. A pan 43 integral with the lamp frame serves to hold downward draining water in the soil, so that heat from the lamp therebelow heat the water so to humidify the soil in a warmed manner and thus promote better root growing conditions.

In FIG. 9 there is shown another design 44 of the invention that includes cloth pot 45 in an inner shell support frame 46 having sideward arms 47 placeable in grooves 48 of an outer shell 49. Snap fasteners 50 are along a lower edge of the frame 46. The outer shell 50 includes a sponge lining 51 and also includes locks 52 at bottom of grooves 48 so to lock the arms 47 therein. A saucer 49 is at the bottom of the outer shell, and a spigot 50 therebeneath serves to drain water out therefrom.

In the present invention, the food or flower production formula of D/R-M, applies wherein D equals a depth (of soil), R equals root length and M equals the multiplier Factor to determine the number of plantings possible for each type plant.

What is claimed as new is:

1. A plant cultivator comprising a cloth structure adapted to hold cultivating material for growing plants with means for varying retention of irrigating liquid in said cultivator in combination with means for supporting said structure in horizontal position at various elevations above a base surface wherein said structure includes a plurality of vertically spaced superimposed sections, first said means comprising removable cloth layers.

2. A cultivator as in claim 1 second said means comprising movable supports for each section, said supports being driven by a mechanism to position said sections at variable elevations, wherein said supports are mounted on vertical members.

3. A plant cultivator comprising a structure supporting moveable vertically spaced superimposed cloth layers, adapted to hold cultivating material for growing plants, wherein each layer comprises removable sections.

4. A cultivator as in claim 3, wherein said structure further comprises movable supports for each layer, said supports being driven by a mechanism to position said layers at various elevations wherein said supports are mounted on vertical members.

F199
✓ Floral
FOAM
SPONGE
LIVING 57
Fundamental
Equivalent

(38)

Page. 38

Copyright

Search Records Results

(31)

Registered Works Database (Registration Number Search)

Search For:

EXHIBIT 6

TXu-69-514 (COHM)

Title: United space of America, human rights, Jesus, employment grow a universal moon cultivation of plants, clothgrow valuation, project life, grow New York, West Indian America, and in America writings television production, film, magazines, books, radio, and many, m billions farms for Feed I International / by Peter Charles Roper.

Description: 19 p.

Claimant: Peter Charles Roper

Created: 1980

Registered: 22May81

Special Codes: 1/B

SEARCHED INDEXED SERIALIZED FILED

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U.S. Copyright Office
101 Independence Ave. S.E.
Washington, D.C. 20559-6000
(202) 707-3000

EXHIBIT 6

(30)

U.S. Copyright ©

(31)

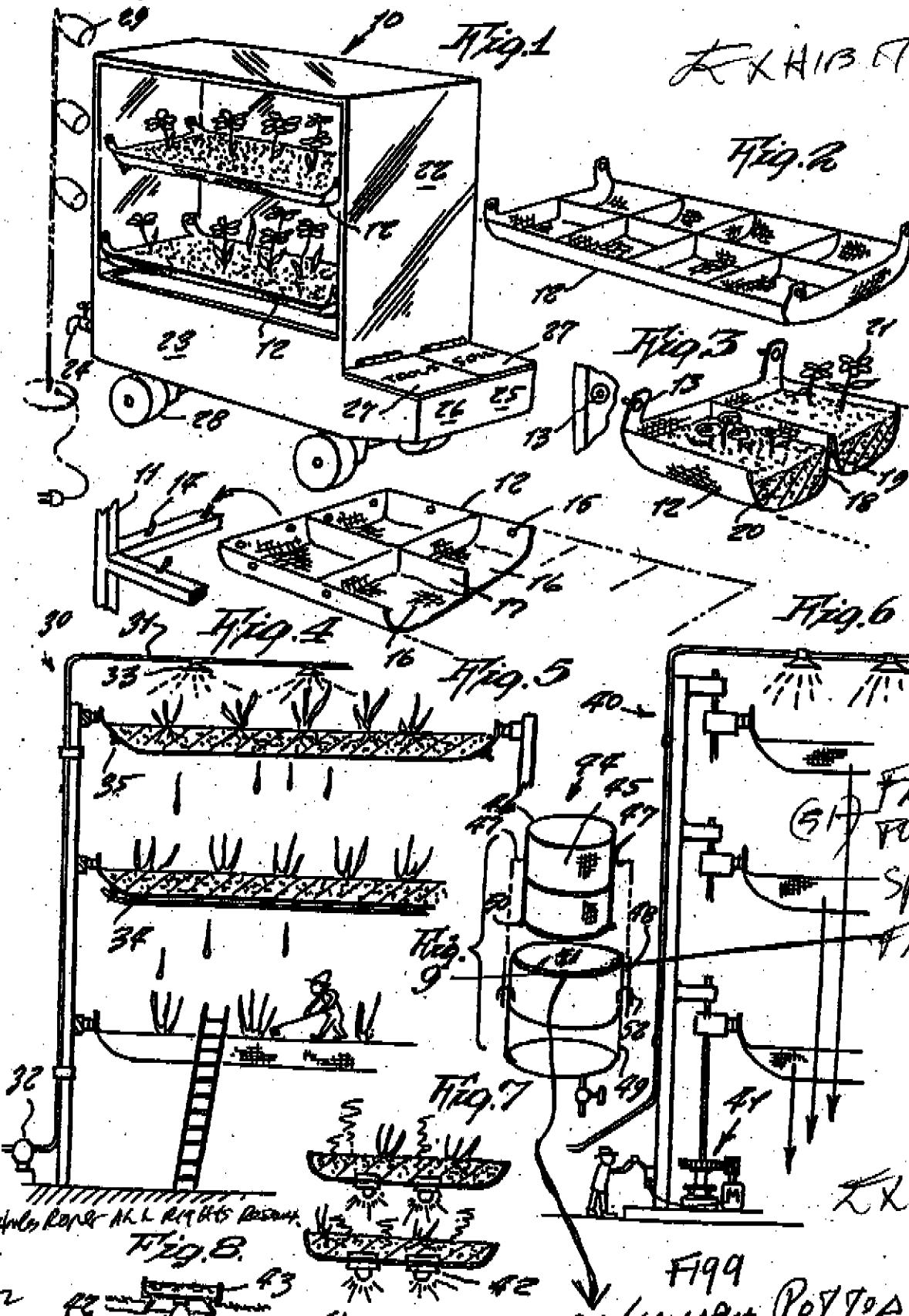
DRAWING

DRAWING

JXU69-514

Sheet 1 of 1

4



Copyright Peter Charles Roper All rights reserved
T. Fig. B.

Fig. B.

F99

EXHIBIT 6

Fig 9

Floral Foam EDAM

Sponge (5)

Howard Pol



HOME DECOR SEASONAL KITCHEN, BED & BATH FLORAL & GREENERY BRIDAL & PARTY CRAFTS PATIO & POTTERY ART, MIRR

[Tips](#)[How To's](#)[Store Locator](#)

Floral & Greenery

The largest assortment of silk and dried floral, greenery all resides at Garden Ridge. Each season brings new floral arrangements, or all the crafters need to create your own masterpiece. If greenery is your passion, you'll love our lush, low-maintenance silk tree, and silk plants. Adding a natural touch to your décor has never been easier or more affordable!

Savings This Week!

Spring Is In The Air

Garden Ridge is the place to go for all your floral and greenery needs. Save 30% on all rose stem (reg. 1.99-6.99, sale price \$1.39-\$4.49) shown. And save 25% on all Garden* floral stems. Bring a touch of the outdoors in and for any special occasion. Have more floral and greenery needs? Visit any other store...all at prices you'll love.

Prices good 2/9/2005

[Contact Us](#)[Company Info](#)[Employment](#)[Vendor Info](#)[Our Stores](#)[Online Registration](#)

EXHIBIT 19

(48)

(10)

COUNT I Compensation for Patent Infringement in Title 35 U.S.C.1. SEC., 271, 284

2. (D) The Appellant, Peter Christian Charles Roper, Owner and
 3. Inventor of U.S. Patent 4,713,909 request the U.S. Court of
 4. Appeals, Honorable Judges, hearty Jury members to rule
 5. for the Appellant and have the Appellee, GARDEN CORN, ET AL
 6. pay Peter Christian Charles Roper \$6 Million Dollars
 7. Compensation for Patent Infringement Damages caused by
 8. GARDEN RIDGE Stores willful and intentional infringement by mak-
 9. ing, selling Billions of Units of FLORAL FOAM SPONGES, and
 10. FLORAL FOAM SPONGE FLOWER POTS protected in the Claims and

11. Fig 9 of Appellant Peter C Roper's U.S. Patent 4,713,909 .
 12. Exhibit, 10, Page 36 or whatever necessary amount for 6 years.

12. COUNT 2 (A) The Appellant, Peter Christian Charles Roper, Owner

13. off U.S. Patent 4,713,909 request the Honorable Judges for
 14. Appellant U.S. Court of Appeals, Circuit, respectable Jury Members,
 15. to rule to have Ridge Stores, Pay Peter Christian Roper
 16. \$6 Million Dollars in Patent Royalties for making, and
 17. selling Millions of Units of Floral Foam Sponge Combinations
 18. with Cloth Silk Flowers, and POTTED FLORAL Foam Sponge-, Cloth
 19. Silk Flower combinations in Peter Roper's U.S. Patent 4,713,909
 20. from 1979-2004, 26 years or from 1999-2004 or whatever nec-
 21. essary amount within Title 35 U.S.C. Sec.. 271 which states
 22. 'NO PATENT OWNER SHALL BE DENIED RELIEF'. Exhibit Page .

23. COUNT 3 (A) The Appellant, Peter Christian Charles Roper, request

24. (A) The U.S. Court Appeals Judges, respectable Jury to rule to
 25. have Ridge Stores pay The Appellant, Peter Christian Charles
 26. Roper \$6 Million dollars for Business Losses caused by
 27. Stores infringement off his patent or whatever nec-
 28. essary amount in Title 35 U.S.C Sec.. 271, 284. (10)

INVOICE

10- Garden Ridge Corp
 19291 Atumn Place Ste 170
 Houston, Texas 77084
 Garden Ridge Finance
 Garden Ridge Holdings
 Garden Ridge LLP

From - Peter Christian, Charles Roker
 Attn: Peter Christian
 1550 Wilcox St
 Apt 205
 Hollywood CA 90028

Invoice Date:

1997-2006

Invoice Number:

1997-2006

Customer Number:

500

EXHIBIT 16

Copyright and Patent Royalty on Flores Form Silk & Flower Pots + Silk

DATE	TYPE	DOC NO	REF NUMBER	DESCRIPTION	PAGE	DEPTH	RATE	AMOUNT
1997	INV	1978	MILLIONS OF FLORAL FOAM SPONGE FLORAL POTS MILLIONS SILK FLOWERS	Copyright TX 469-974 Copyright TX 469-974 Copyright TX 469-974 Copyright TX 469-974 Copyright TX 469-974 Royalty for U.S. Patent 4,713,909 Royalty 1997-1999				222,222.22
1998								222,222.22
1999								222,222.22
2000								222,222.22
2001								222,222.22
2002								222,222.22
2003								222,222.22
2004								222,222.22
2005								222,222.22
2006								222,222.22
								9333,333.33
				Total				

Please detach and return this portion with payment. To ensure proper credit to your account, please write your customer number on your check. If you have any questions about your account, please contact Accounts Receivable at (800) 555-1234.

Invoice Date	Invoice Number
1997-2006	1997-2006
Customer Number	
500	

PLEASE PAY: 3333,333.00

Peter Christian, Charles Roker
 1550 Wilcox St
 Apt 205
 Hollywood CA 90028

Mastercard Visa Amex
 Credit Card # _____
 Exp Date ____/____ Amount _____
 Signature _____

11

Instruction schools, camps, and services.
 Pr: Menahem Leis
 *Sec: Gail Leis
 *VP: Gary Books

GARDEN CITY CASINO & REST SEE GARDEN CITY INC

D-U-N-S 00-694-2684
GARDEN CITY CO-OP INC (MS)
 106 N 6th St, Garden City, KS 67846-5545
 Tel (620) 273-6161 **Founded/Ownership** 1919
 Sales 48.8MM **Emp** 78

Accs: Undberg & Vogel CPA
 SIC 5133 5191 5172 3541 5411 **Grains, whl;**
Feed, whl; Seeds: field, garden, and flower, whl;
Fertilizer and fertilizer materials, whl; Chemicals, agricultural, whl; Petroleum products, nec, whl;
Filling stations, gasoline, ret; Truck stops, ret;
Convenience stores, ret;
 Pr CEO: Irvin Clubine
 Tr: Marc Miller
 VP: Ken Jameson

D-U-N-S 93-903-3222

GARDEN CITY FEED YARD LLC
 1805 W Annie Scheer Rd, Garden City, KS 67846
 Tel (620) 275-4191 **Founded/Ownership** 1994
 Sales 31MM **Emp** 60
 Accs: Wilson Haag & Co PC Amarill
 SIC 0211 **Beef cattle feedlots,**
 Tr: Odessa Lovin

D-U-N-S 87-716-5860

GARDEN CITY GROUP INC
 (Sub of CRAWFORD & CO) *
 105 Maxess Rd Ste 320, Melville, NY 11747-3847
 Tel (631) 470-5000 **Founded/Ownership** 1994, 1999
 Sales 32MM **Emp** 208
 Accs: 11011 Specialized legal services.
 Ch Bd: Michael J Shein
 Pr: David Isaac
 Ex VP: Neil Zola
 Sr VP: Richard Cohen
 Sr VP: Lois Schipper
 VP: Fabio D'Arzenzo
 VP: Timothy O'Neill
 VP: Andrew Sommer
 Cont: Arun RAO
 Board of Directors: Peter Callahan,

D-U-N-S 07-278-4002

GARDEN CITY HOSPITAL OSTHEOPATHIC
 (IND)
 6245 Inkster Rd, Garden City, MI 48133-4001
 Tel (734) 458-1200 **Founded/Ownership** 1942, 1986
 Sales 12MM **Emp** 1,200
 Accs: Ernst & Young LLP
 SIC 8062 8011 **General medical and surgical hospitals;** Offices and clinics of medical doctors.
 Pr: Gary R Ley
 CFO: Rob Giddings
 *CFO VP: Christopher Palazzolo
 VP: Mitch Nimmer
 VP: Ops: Tom Daskalakis

D-U-N-S 10-681-2157

GARDEN CITY HOTEL INC (NY)
 45 7th St, Garden City, NY 11530-2807
 Tel (516) 747-3000 **Founded/Ownership** 1982
 Sales 16MM **Emp** 475
 Bank: Fleet National Bank, Jericho, NY
 SIC 7011 **Hotels.**
 Ch Bd: Myron Nallin
 Pr: Catherine Nallin
 Cont: Gary Stahl

D-U-N-S 01-092-0817

GARDEN CITY INC (CA)
GARDEN CITY CASINO & REST
 360 Saratoga Ave, San Jose, CA 95129-1324
 Tel (408) 244-3333 **Founded/Ownership** 1974, 1993
 Sales 23.1MM **Emp** 569
 SIC 7999 **Card rooms,**
 *Pr: Eli Reinhard
 CFO: Sharon Bass Lighterlink
 Sec: Sherry L Standridge
 VP: Michael Fletcher
 VP: Lou Pyle
 Cont: Ron Sonnenville
 Trst: Frederick Wyle

D-U-N-S 84-743-4248

GARDEN COMPANIES INC
 6072 Shallowford Rd, Chattanooga, TN 37421-1611
 Tel (423) 499-4484 **Founded/Ownership** 1990
 Sales 37.2MM **Emp** 125
 SIC 5191 **Seeds: field, garden, and flower, whl;**
Grass seed, whl;
 Pr CEO: Steve Strevner
 Sec: Tom Dows
 Cont: Paula Potter
 Board of Directors: Fred Danforth, Jack O'Meara, Rick Schreiber, Carl Stanton,

D-U-N-S 36-225-0920

GARDEN FOODS INC (MI)
 6430 Wyoming St, Dearborn, MI 48126-2342
 Tel (313) 584-2800 **Founded/Ownership** 1989
 Sales 12MM **Emp** 54
 Bank: Comerica Bank, Dearborn Heights, MI
 SIC 5149 **Juices, whl; Soft drinks, whl;**
 Pr: Chaker Aoun
 *VP: Mohammed Barada
 Cont: Abby Bachrouche

D-U-N-S 17-905-5843

GARDEN FRESH DISTRIBUTION SERVICE
 INC (NJ)
 700 Barnboro Rds, Richwood, NJ 08074
 Tel (856) 582-6646 **Founded/Ownership** 1987
 Sales 12MM **Emp** 5

SIC 5148 **Fresh fruits and vegetables, whl;**
 *Pr: Marvin Jetter
 VP: Chris Jetter

▲ GARDEN FRESH RESTAURANT CORP (CA)

GOLPLANTATION
 15822 Bernardo Center Dr, San Diego, CA 92127-2320
 Tel (858) 675-1600 **Founded/Ownership** 1983
 Sales 214MM **Emp** 5,400
 Trk Sym LTUS **Exch** NMS
 Accs: KPMG LLP
 SIC 5812 **Restaurant, family; chain, ret;**

Ch Bd Pr: Michael P Mack

COO: Udo J Fritzmeier

Sr VP Oper: R Gregory Keller

Sec Fin: David W Qualls

VP: Walter J Carucci

VP: Ken Keane

VP Hum Asst: Kenneth J Keane

Ex Dir: Richard Thompson

Ex Dir: John Vilebusta

Board of Directors: Edgar F Berner, Edward A Blechschmidt, Robert A Cunst, Michael M Minchin Jr, David Nierenberg, John M Robbins.

GARDEN FRESH SALAD

See GARDEN FRESH SALAD CO INC

D-U-N-S 05-602-1223

GARDEN FRESH SALAD CO INC (MA)

GARDEN FRESH SALAD
 15-20 Neth Prod Ctr, Chelsea, MA 02150
 Tel (617) 889-1580 **Founded/Ownership** 1966, 1970
 Sales 28.3MM **Emp** 20
 Bonk: Fleet National Bank, Providence, RI
 SIC 5148 9999 **Fruits, fresh, whl; Vegetables, fresh, whl; Cole slaw, in bulk;**

Pr Tr: Ismette D'Alleva

*VP: Luigi D'Alleva

VP: Mary D'Alleva

Cont: Lisa Cohn

D-U-N-S 07-333-0040

GARDEN GAZEBO INC

5595 Rabv Rd Ste 8, Norfolk, VA 23502-2460
 Tel (757) 461-0337 **Founded/Ownership** 1995
 Sales 3MM **Emp** 200
 SIC 5261 5193 **Retail nurseries and garden stores, ret; Nursery stock, whl;**
 Pr: Darryl Kurnancha

GARDEN GROVE HOSPITAL

See TENET HEALTHCARE

GARDEN GROVE HYUNDAI

See HAN KOOK ENTERPRISE INC

D-U-N-S 10-108-5226

GARDEN HOLDINGS INC
 650 Madison Ave Fl 23, New York, NY 10022, 1025
 Tel (212) 838-9660 **Founded/Ownership** 2000
 Sales 228MM **Emp** 3,500
 SIC 5999 **Artificial flowers, ret; Candle shops, ret; Picture frames, ready made, ret;**

GARDEN ISLE SEAFOOD
 See GARDEN & VALLEY ISLE SEAFOOD INC

D-U-N-S 79-427-1037

GARDEN MALL INC (IN)
 PIERES ENTERTAINMENT CENTER
 5629 Saint Joe Rd, Fort Wayne, IN 46835-2047
 Tel (260) 486-1979 **Founded/Ownership** 1989
 Sales 3MM **Emp** 193
 SIC 5813 7299 **Night clubs, ret; Banquet hall facilities;**
 Pr: Stanley Liddell Jr

D-U-N-S 06-891-6020

GARDEN MANOR EXTENDED CARE CENTER INC (OH)

6498 Hamilton Middletown, Middletown, OH 45044-7859
 Tel (513) 424-5321 **Founded/Ownership** 1950, 1967
 Sales 5.4MM **Emp** 230
 SIC 8051 8361 **Convalescent home with continuous nursing care; Residential care;**

Pr: Sam Baymet

*Pr: Rachel Boymet

VP: Gidon Blad

Cont: Jim Seelenbinder

D-U-N-S 01-684-1905

GARDEN MANOR FARMS INC
 355 Food Center Dr, Bronx, NY 10474-7000
 Tel (718) 893-6350 **Founded/Ownership** 1997
 Sales 12.5MM **Emp** 25
 SIC 5147 **Meats and meat products, whl;**
 Pr: Stanley Wilhelm

GARDEN OF EDEN

See MONTAGUE FANCY FOOD INC

D-U-N-S 05-106-8224

GARDEN OF LIFE INC
 770 Northpoint Pkwy Ste 100, West Palm Beach, FL 33407
 Tel (561) 748-2477 **Founded/Ownership** 2000
 Sales 16.3MM **Emp** 79
 SIC 2834 **Vitamin, nutrient, and hematologic preparations for human use;**

Owner: Nildi Rubin
 Owner: Jordan Rubin
 CFO: Robert Cravlin
 CEO: Brian Ray
 COO: Rich Pettit

D-U-N-S 62-133-7018

GARDEN PALS INC (CA)

(Sub of FORMOSA TOOLS CO LTD, Taiwan China Rep. Of)

5400 E Francis St, Ontario, CA 91761-3601
 Tel (909) 605-0200 **Founded/Ownership** 1990
 Sales 11.6MM **Emp** 90

SIC 5083 3423 2514 2511 **Lawn and garden machinery and equipment, whl; Hand and edge tools, nec; Metal household furniture; Wood household furniture;**

Pr: Ching-Tun Hsu
 CEO CM: Tony Hsu
 CFO: Hy Hsu

D-U-N-S 03-957-3720

■ GARDEN PARK COMMUNITY HOSPITAL LP (MS)

(Sub of HCA INC) *

15200 Community Rd, Gulfport, MS 39053-3085
 Tel (228) 575-7000 **Founded/Ownership** 1973, 1995
 Sales 32.5MM **Emp** 500

SIC 8062 **General medical and surgical hospitals;**

Pr: Tommy Fritz MD
 CEO: Jack Bovender
 CFO: Regina Moore
 COO: Regina Ravanazani
 CFO: Dianne Tipton
 Ex Sec: Daphne King

Cont: Cindy Cohn

GARDEN PLAZA CONVALESCENT HOME

See AMADA ENTERPRISES INC

D-U-N-S 00-832-7322

GARDEN PRINTS INC (CA)

2915 1/2th St, Los Angeles, CA 90023-3623
 Tel (312) 268-3478 **Founded/Ownership** 1958
 Sales 17.8MM **Emp** 300

Bank: Union Bank of California NA, San Francisco, CA

SIC 2261 2392 **Printing of cotton broadwoven fabrics; Tablecloths and table settings; Towels, dishcloths and dust cloths;**

Owner Pr: Richard Savidah
 Pr: Harold Scherholt
 COO: Jeff Zane

*Pr VP: John Savidah

VP: Bill Cashel

Qual Ctrl Man: Grace McKinnell

GARDEN RIDGE

See GARDEN RIDGE HOLDINGS INC

D-U-N-S 79-118-3104

GARDEN RIDGE CORP

(Sub of GARDEN HOLDINGS INC) *

19411 Atrium Pl Ste 170, Houston, TX 77084-6024
 Tel (281) 579-7901 **Founded/Ownership** 1979, 2000
 Sales 461MM **Emp** 3,500

Accs: Arthur Andersen LLP
 SIC 5999 5719 5945 5947 5992 **Artificial flowers, ret; Candle shops, ret; Picture frames, ready made, ret; Kitchenware, nec; Glassware, ret; Pictures, wall, ret; Pottery, ret; Hobby and craft supplies, ret; Arts and crafts supplies, ret; Party favors, ret; Flowers, fresh, ret;**

Ch Bd CEO: Armand Shapiro

Pr: Jack Lewis
 CFO Sec: June A Arbutnott
 Ex VP: Cal Eller

VP: Dan Ferguson

VP: Barbara Herm

VP: Richard Nawrot

VP: Bill Bennett

VP: Norman M Brody

VP: Dennis Dye

VP: Stephen C Fox

VP: David Henry

VP: Lisa Lovell

Cont: Andy Muselman

Cont: Bruce Brecklove

D-U-N-S 12-580-4950

GARDEN RIDGE HOLDINGS INC

CARDEN RIDGE

19411 Atrium Pl Ste 170, Houston, TX 77084-6024
 Tel (832) 391-7201 **Founded/Ownership** 1979, 1992
 Sales 261MM **Emp** 4,000

SIC 5999 5719 5945 5947 5992 **Artificial flowers, ret; Candle shops, ret; Picture frames, ready made, ret; Kitchenware, nec; Glassware, ret; Pictures, wall, ret; Pottery, ret; Hobby and craft supplies, ret; Arts and crafts supplies, ret; Party favors, ret; Flowers, fresh, ret;**

Ch Bd CEO: Armand Shapiro

Pr: Jack Lewis

*CFO VP: Jane Arbutnott

*Sr VP Ops: Chuck Denny

*Sr VP: Dan Ferguson

*VP: Wendell Funk

*VP: Lisa Lovell

Cont: Bruce Brecklove

D-U-N-S 13-108-4241

GARDEN RIDGE INVESTMENTS INC

(Sub of GARDEN RIDGE CORP) *

19411 Atrium Pl Ste 170, Houston, TX 77084-6024
 Tel (281) 579-7901 **Founded/Ownership** 1995
 Sales 228MM **Emp** 3,500

SIC 5999 5719 5945 5947 5992 **Artificial flowers, ret; Candle shops, ret; Picture frames, ready made, ret; Kitchenware, nec; Glassware, ret; Bedding and linens, nec; Pictures, wall, ret; Hobby and craft supplies, ret; Arts and crafts supplies, ret; Party favors, ret; Flowers, fresh, ret;**

Pr CEO: Paul Davies

*CFO Sec: Jane Arbutnott

Cont: Bruce Brecklove

D-U-N-S 09-309-8778

GARDEN RIDGE POTTERY

See GARDEN RIDGE POTTERY

D-U-N-S 17-060-5758

GARDEN SATURN INC (NY)

SATURN

265 N Franklin St, Hempstead, NY 11550-1310

Tel (516) 565-2400 **Founded/Ownership** 1992

Sales 13MM **Emp** 33

SIC 5521 5511 **Used car dealers, ret;**

Pr: John Burns

GARDEN SPOT AUTO AUCTION

See GARDEN SPOT EQUIPMENT AUCTION

D-U-N-S 04-188-0509

GARDEN SPOT EQUIPMENT AUCTION (PA)

GARDEN SPOT AUTO/AUCTION

1605 Apple St, Ephrata, PA 17522-1300

Tel (717) 738-7900 **Founded/Ownership** 1962

Sales 20.4MM **Emp** 80

SIC 5012 **Automobile auction, whl;**

*Pr Sec: I Omar Landa

D-U-N-S 07-996-7009

GARDEN SPOT VILLAGE (PA)

433 S Kinzer Ave, New Holland, PA 17537-9360

Tel (717) 353-6000 **Founded/Ownership** 1990

Sales 7.0MM **Emp** 220

Accs: Brown Schnitz Stendian et al

*SIC 5113 6513 **Dwelling unit operators, except apartments; Skilled nursing care facilities; Apartment building operators;**

Ch Bd: Dale M Werner

Pr: Philip Hays

CEO: Steve Lindsey

*CFO: Philip Bushholder

Sec: Robert Weaver

*Pr: Kenneth Martin

VP: John W Farber

*Sr Dir: Nevin Krawbill

*Sr Dir: Melvin Krawbill

D-U-N-S 01-040-8125

GARDEN

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
) _____		
GARDEN RIDGE CORPORATION, <i>et al.</i> ,)	Case No. 04-10324 (KJC)
) _____		
Debtors.)	Jointly Administered
) _____		
		Ref. Docket Nos. 2117, 2119, 2132, 2144, 2240, 2252, 2278, 2279, 2285

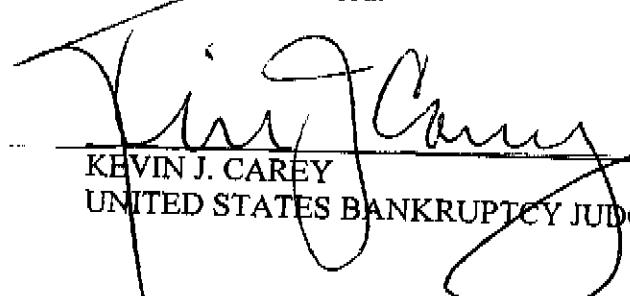
**ORDER DENYING (I) MOTION FOR RECONSIDERATION TO
GRANT PAYMENT FOR CLAIMS (DOCKET NO. 2117), AND
(II) MOTION FOR ORDER RE: LEAVE TO FILE ACTION WITHOUT
PREPAYMENT OF FILING FEE IN FORMA PAUPERIS (DOCKET NO. 2119)**

Upon consideration of the *Motion for Reconsideration to Grant Payment for Claims* (the “Motion”) [see Docket No. 2117] filed by Peter Christian Roper (“Roper”) on March 20, 2006; and upon consideration of the opposition of the above-captioned reorganized debtors’ (collectively, the “Debtors”) thereto [see Docket No. 2132]; and upon consideration of the *Motion for Order re: Leave to File Action Without Prepayment of Filing Fee In Forma Pauperis* (the “IFP Motion”) [see Docket No. 2119] filed contemporaneous with the Motion; and the Court having held a hearing to consider the Motion, the IFP Motion and the Debtors’ opposition thereto on April 11, 2006 (the “Hearing”); and the Court having determined at the Hearing that Mr. Roper should be afforded an evidentiary hearing (an “Evidentiary Hearing”) in order to substantiate and meet the burden of proof required to adequately consider the relief requested in the Motion and the IFP Motion; and, therefore, the Court having entered an order (the “First Order”) on April 13, 2006 [see Docket No. 2144] scheduling the Evidentiary Hearing for July 18, 2006 and ruling that “[a]s indicated to the parties at the April 11, 2006 hearing, if Mr. Roper[] fails to appear at the scheduled evidentiary hearing, the Court intends to deny the Motion and the IFP Motion”; and the Court having entered a further order (the “Second Order”)

cheduling the Evidentiary Hearing for August 31, 2006 and ruling that “[a]s indicated at the April 11, 2006 hearing and in this Court’s Order of April 13, 2006, if Mr. Roper fails to appear at the scheduled hearing, the Court intends to deny the Motion and the IFP Motion”; and the Court having entered an order on August 28, 2006 (the “August 28th Order”) [see Docket No. 2285], denying Mr. Roper’s further request to adjourn the Evidentiary Hearing; and Mr. Roper having failed to personally appear at the scheduled Evidentiary Hearing to consider the Motion and the IFP Motion; and upon the findings of fact and conclusions of law set forth on the record of the Hearing and the rulings contained in the First Order and the Second Order, it is hereby

ORDERED, that the Motion and the IFP Motion are denied.

Dated: August 31, 2006
Wilmington, Delaware


KEVIN J. CAREY
UNITED STATES BANKRUPTCY JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF *Corte 1-0885607*
 CASE NAME: *Garden Ridge Corp* *Peter Hartman, Esq.*
 CASE NUMBER *04-10324* (USDC - *Arizona*) *1386-2157*

I am employed in the County of *Maricopa*, State of California. I am over the age of 18 and not a party to the within action; my business address is:

On *9/1/06*, I served the following document described as:

Motion. AM Real

in this action by transmitting a true copy thereof enclosed in a sealed envelope addressed as follows:

*P. Morgan Young Company
 1000 West
 Wilshire & Deline*

BY MAIL As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at *California* in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY PERSONAL SERVICE I delivered such envelope by hand to the offices of the above-identified recipients.

FEDERAL I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on

Sept 8 2006 *Arizona*

P. Morgan Young Company

Appeal

FORM 6. Motion and Declaration for Leave to Proceed in Forma Pauperis

I Swear

UNITED STATES

*States Bankruptcy Court, District of Delaware**Petitioner Christian Charles Rader, GARDEN Ridge Court.*

No. _____

Motion and Declaration for Leave to Proceed in Forma Pauperis

INSTRUCTIONS: If you do not pay the fee, file this completed form with your petition for review or notice of appeal within 14 days of the date of docketing. Complete all questions in this application and then sign it. Do not leave any blanks; if the answer to a question is "0", "none", or "not applicable" (N/A), write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case docket number, and the question number. Failure to fully answer the questions may result in a denial of the motion.

Petitioner/Appellant hereby moves for leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915, in this case and submits the following declaration in support thereof:

I, Petitioner Christian Charles Rader, am the Petitioner/Appellant in the above-entitled case. In support of my motion to proceed on appeal without being required to pay the docketing fee, I state that I am unable to pay the fee because of my poverty; that I believe that I am entitled to redress; and that the issues which I desire to present on appeal are the following:

*For Compensation and Payment of Patent AND (17 counts)
Copyright Royalties for my US Patent 4,713,909 USC 106-35*

I further declare that the responses which I have made to the questions and instructions below relating to my ability to pay the docketing fee are true.

1. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 700	\$ NA	\$ 0	\$ NA
Self-employment	\$ 0	\$ NA	\$ NA	\$ NA
Income from real property (such as rental income)	\$ 0	\$ NA	\$ NA	\$ NA

I Am Presently Unemployed

FORM 6. Motion and Declaration for Leave to Proceed In Forma Pauperis (continued)

	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Interest and dividends	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>0</u>
Child support	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>AS</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Public assistance (such as welfare)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify) _____	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>700</u>	\$ _____	\$ _____	\$ _____

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is pay before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
<u>Gamma Industries</u>	<u>7757 Sunset Blvd</u>	<u>8/15/05-7/2/06</u>	<u>\$700</u>
<u>Los Angeles CA</u>	<u>I am presently unemployed</u>		

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is pay before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
<u>NA</u>			

4. Are you presently incarcerated? Yes No If so, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

FORM 6. Motion and Declaration for Leave to Proceed in *Forma Pauperis* (continued)

5. How much cash do you and your spouse have? \$ 12,000

Below, state any money you or your spouse have in bank accounts or in any other financial institution. State the average monthly balance.

Financial institution	Type of account	Amount you have	Amount your spouse has
NA	NA	\$ NA	\$ NA
NA	NA	\$ N	\$

6. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value) **Other real estate** (Value) **Other assets** (Value)
\$30,000

Other assets	(Value)	Motor vehicle #1 Make, model & year: <i>Lincoln \$4000</i>	Motor vehicle #2 Make, model & year: Value:
		Value: Registration #:	Registration #:

7. State every person, business, or organization owing you or your spouse money, and the amount owed:

Person, business or organization owing you or your spouse money	Amount owed to you	Amount owed to your spouse
Garden Ridge Corp.	Case is in Court	
John Stapp	Case is in Court	

FORM 6. Motion and Declaration for Leave to Proceed in Forma Pauperis (continued)

8. State the persons who rely on you or your spouse for support:

Name	Relationship	Age
Peter Christopher Potter	SPO	53

9. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ 700	\$ NA
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 500	\$ NA
Home maintenance (repairs and upkeep)	\$ 200	\$ NA
Food	\$ 2000	\$ NA
Clothing	\$ 100	\$ NA
Laundry and dry cleaning	\$ 100	\$ NA
Medical and dental expenses	\$ 100	\$ NA
Transportation (not including motor vehicle payments)	\$ 000	\$ NA
Recreation, entertainment, newspapers, magazines, etc.	\$ 100	\$ NA
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 300	\$ NA
Life	\$ NA	\$ NA
Health	\$ NA	\$ NA
Motor vehicle	\$ 70	\$ NA
Other: _____	\$ _____	\$ NA
Taxes (not deducted from wages or included in mortgage payments) (specify): _____	\$ 1000	\$ _____

FORM 6. Motion and Declaration for Leave to Proceed in Forma Pauperis (continued)

	You	Your spouse
Installment payments		
Motor vehicle	\$ <u>0</u>	\$ <u>NA</u>
Credit card (name): _____	\$ <u>0</u>	\$ <u>NA</u>
Department store (name): _____	\$ <u>0</u>	\$ <u>NA</u>
Other: _____	\$ _____	\$ <u>NA</u>
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ _____	\$ _____

10. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

11. Have you paid, or will you be paying, an attorney any money for services in connection with this case, including the completion of this form?

Yes No If yes, how much? \$ _____

If yes, state the attorney's name, address, and telephone number:

John Michael S.
Broadmoor, WILMINGTON DE

12. Have you paid, or will you be paying, anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

13. Provide any other information that will help explain why you cannot pay the docketing fees for your appeal or petition for review.

I Am Presently unemployed, AND HAVE
AND I HAVE ALREADY PAID FOR ANOTHER
Case in U.S. Court of Appeals in Washington
DC

FORM 6. Motion and Declaration for Leave to Proceed in Forma Pauperis (continued).

14. Have you ever filed a motion for leave to proceed in forma pauperis in any other case in this court? Yes No If yes, state the name and docket number of that case.

15. State the address of your legal residence:

1386-21-54 · Douglas Arizona 85607

Your daytime phone number: (510) 805 0584

Your social security number: _____

Your age: 53

Your years of schooling: 21

You must sign and date the declaration under penalty of perjury.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury, under the laws of the United States, that my answer on this form are true and correct.

9/1/06

Date

John Charles Charles Rose

Petitioner's/Appellant's signature

cc:

Suea 50 Alpine
Gas

ORDER OF THE COURT

The motion to proceed in forma pauperis is DENIED. The docketing fee must be paid within 14 days.

The motion to proceed in forma pauperis is GRANTED. Let the applicant proceed without prepayment of the docketing fee.

Circuit Judge

Date

Circuit Judge or Clerk

Date

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
GARDEN RIDGE CORPORATION, <i>et al.</i> ,)	Case No. 04-10324 (KJC)
)	
Debtors.)	Jointly Administered
)	
		Ref. Docket Nos. 2117, 2119, 2132, 2144, 2240, 2252, 2278, 2279, 2285

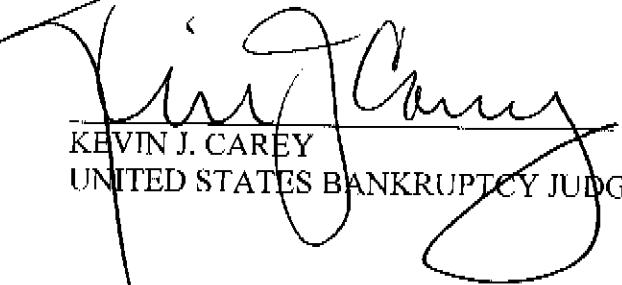
**ORDER DENYING (I) MOTION FOR RECONSIDERATION TO
GRANT PAYMENT FOR CLAIMS (DOCKET NO. 2117), AND
(II) MOTION FOR ORDER RE: LEAVE TO FILE ACTION WITHOUT
PREPAYMENT OF FILING FEE IN FORMA PAUPERIS (DOCKET NO. 2119)**

Upon consideration of the *Motion for Reconsideration to Grant Payment for Claims* (the “Motion”) [see Docket No. 2117] filed by Peter Christian Roper (“Roper”) on March 20, 2006; and upon consideration of the opposition of the above-captioned reorganized debtors’ (collectively, the “Debtors”) thereto [see Docket No. 2132]; and upon consideration of the *Motion for Order re: Leave to File Action Without Prepayment of Filing Fee In Forma Pauperis* (the “IFP Motion”) [see Docket No. 2119] filed contemporaneous with the Motion; and the Court having held a hearing to consider the Motion, the IFP Motion and the Debtors’ opposition thereto on April 11, 2006 (the “Hearing”); and the Court having determined at the Hearing that Mr. Roper should be afforded an evidentiary hearing (an “Evidentiary Hearing”) in order to substantiate and meet the burden of proof required to adequately consider the relief requested in the Motion and the IFP Motion; and, therefore, the Court having entered an order (the “First Order”) on April 13, 2006 [see Docket No. 2144] scheduling the Evidentiary Hearing for July 18, 2006 and ruling that “[a]s indicated to the parties at the April 11, 2006 hearing, if Mr. Roper[] fails to appear at the scheduled evidentiary hearing, the Court intends to deny the Motion and the IFP Motion”; and the Court having entered a further order (the “Second Order”)

rescheduling the Evidentiary Hearing for August 31, 2006 and ruling that “[a]s indicated at the April 11, 2006 hearing and in this Court’s Order of April 13, 2006, if Mr. Roper fails to appear at the scheduled hearing, the Court intends to deny the Motion and the IFP Motion”; and the Court having entered an order on August 28, 2006 (the “August 28th Order”) [see Docket No. 2285], denying Mr. Roper’s further request to adjourn the Evidentiary Hearing; and Mr. Roper having failed to personally appear at the scheduled Evidentiary Hearing to consider the Motion and the IFP Motion; and upon the findings of fact and conclusions of law set forth on the record of the Hearing and the rulings contained in the First Order and the Second Order, it is hereby

ORDERED, that the Motion and the IFP Motion are denied.

Dated: August 31, 2006
Wilmington, Delaware


KEVIN J. CAREY
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

APPEAL TRANSMITTAL SHEET

Case Number: 04-10324 BK AP
If AP, related BK Case Number: _____06-723

Title of OrderAppealed:

Order Denying (I) Motion for Reconsideration to Grant Payment for Claims and (II) MotDocket Number: 2290 Date Entered: 8/31/06Item Transmitted: Notice of Appeal Motion for Leave to Appeal
 Amended Notice of Appeal Cross Appeal
Docket Number: 2302 Date Filed: _____*Appellant/Cross Appellant:
Peter Christian RoperCounsel for Appellant:
Pro-se

_____*Appellee/Cross Appellee
Garden Ridge Corporation et alCounsel for Appellee:
Sean T Greecher
Young Conaway Stargatt & Taylor
The Brandywine Bldg
1000 West St 17 Fl
Wilmington, DE 19801**If additional room is needed, please attach a separate sheet.*Filing Fee paid? Yes NoIFP Motion Filed by Appellant? Yes NoHave Additional Appeals to the Same Order been Filed? Yes NoIf so, has District Court assigned a Civil Action Number? Yes No Civil Action # _____

Additional Notes:

Substance of appeal revisits CA 06-555. IFP application granted 11/28/0611/30/06
DateBy: Ken Brown
Deputy ClerkBankruptcy Court Appeal (BAP) Number: _____
7/6/06

FOR USE BY U.S. BANKRUPTCY COURT